

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
APRIL 20, 2011

Session 11-06, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 7:01 p.m. on April 20, 2011 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS DOLMA, DRUHOT, HIGHLAND, MINSCH, VENUTI

ABSENT: COMMISSIONER BOS

STAFF: CITY PLANNER ABBOUD  
DEPUTY CITY CLERK JACOBSEN  
PLANNING TECHNICIAN ENGBRETSSEN

**AGENDA  
APPROVAL**

**APPROVAL OF AGENDA**

The agenda was approved by consensus of the Commission.

**PUBLIC  
COMMENT**

**PUBLIC COMMENT**

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

There were no public comments.

**RECONSID-  
ERATION**

**RECONSIDERATION**

There were no items for reconsideration.

**CONSENT  
AGENDA**

**ADOPTION OF CONSENT AGENDA**

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

1. Approval of the April 6, 2011 minutes
2. Time Extension Requests
3. Approval of City of Homer Projects under HCC 1.76.030 g
4. KPB Coastal Management Program Reports

The Consent Agenda was approved by consensus of the Commission.

**PRESENT-  
ATIONS**

**PRESENTATIONS**

There were no presentations scheduled.

**REPORTS**

**REPORTS**

- A. Staff Report PL11-47, City Planner's Report

City Planner Abboud reviewed the staff report.

**PUBLIC HEARINGS**

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The

April 6,  
2011  
Minutes

City  
Planner's  
Report

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
APRIL 20, 2011

Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

**PUBLIC  
HEARINGS**

No public hearings were scheduled.

**PLAT CONSIDERATION**

**PLAT  
CONSIDER  
ATION**

No plats were scheduled.

**PENDING BUSINESS**

**PENDING  
BUSINESS**

A. Staff Report PL 11-46 Sign Code Amendments

Sign Code  
Amendment

DOLMA/HIGHLAND MOVED TO BRING STAFF REPORT PL 11-46 TO THE TABLE FOR DISCUSSION.

No objection was expressed and discussion ensued.

The Commission had discussion with staff on the sign code amendments during their worksession.

Regarding item two in the staff report there was agreement with staff's comments to bring the sign size back up as it may be hard for people to see some of the buildings that are sitting back from the road.

DRUHOT/HIGHLAND MOVED TO CHANGE ITEM TWO TO READ 30 SQUARE FEET OF SIGN ALLOWANCE INSTEAD OF 20 SQUARE FEET FOR BUILDINGS WITH WALL FRONTAGE OF 0-199 SQUARE FEET.

Commissioner Highland noted that a concern for the future of Homer is that we continue to keep the signs as small as we can within reason but this seems to be a reasonable amendment.

Commissioner Venuti commented that a 4x5 sign will be pretty big.

There was brief discussion whether consideration should be given to the location of the building or boardwalk in relation to the road. Buildings which are closer would have a smaller allowance than those set back farther from the road. City Planner Abboud and Planning Technician Engebretsen responded that concept would be very challenging to explain and regulate.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

DOLMA/VENUTI MOVED TO ACCEPT THE STAFF RECOMMENDATION TO CHANGE THE 40 SQUARE FEET TO 50 SQUARE FEET FOR BUILDINGS 200 TO 349 SQUARE FEET.

Commissioner Dolma commented that after looking at examples of existing signs it might be a hardship for people who already have signs currently in place. This is a compromise between preserving the status quo and making amendments to the ordinance.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Sign Code  
Amendment

VENUTI/HIGHLAND MOVED TO ACCEPT STAFF RECOMMENDATIONS ON BANNERS MOUNTED TO A BUILDING TO BE ON A PERMANENT RIGID FRAME ON ALL EDGES.

Commissioner Venuti expressed his desire to get this to the public for their feedback.

Chair Minch agreed with staff comments that if people come into compliance with sign square footage then the banner issue may take care of itself.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was discussion that staff recommends removing the word building.

MINSCH/DRUHOT MOVED TO DELETE BUILDING ON LINE 6.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VENUTI/HIGHLAND MOVED TO MAINTAIN THE COMMISSION'S POSITION TO NOT ALLOW SANDWICH BOARD SIGNS.

Commissioner Druhot commented that she would like to see no sandwich boards on the spit and eliminate them in Marine Commercial, which helps with safety issues. There is good reasoning for having some of these in town if they are kept off sidewalks and closer to the businesses.

While the Commission agreed that there are safety issues with the sandwich boards in the right-of-way and on the side walk out on the spit, there were comments for and against allowing them in town. Some felt there could be options to be allow them in town if business owners would keep them away from sidewalks, closer to their businesses, and put away when businesses are closed. Others felt business owners won't comply because right now they leave them out all night and it will be difficult to enforce after hours.

The discussion turned to temporary event signs and how this action would affect them. Staff will work with the City Attorney to define event signs.

MINSCH/HIGHLAND MOVED TO AMEND TO INCLUDE ITEM 6 THAT EVENT SIGNS MAY DISPLAYED AND STAFF WILL WORK WITH THE CITY ATTORNEY ON A DEFINITION.

There was brief discussion.

VOTE: (Primary Amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VENUTI/HIGHLAND MOVED TO AMEND THE ORIGINAL MOTION TO STATE COMMERCIAL SANDWICH BOARD SIGNS.

Sign Code  
Amendment

There was brief discussion.

VOTE: (Primary amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VOTE: (Main Motion as Amended): YES: MINSCH, HIGHLAND, VENUTI, DOLMA  
NO: DRUHOT

There was discussion about item 7 and including amnesty language in code. Planning Technician Engebretsen noted that there is conforming language in the sign code and it is very problematic code wise to write in more amnesty with another compliance timeframe. The suggestion of working it into the whereas clauses as a policy statement and working with businesses to educate them on the requirements and deadlines is cleaner. There is no language in the code that requires a building be in compliance to get a sign permit. City Planner Abboud reiterated comments from a previous meeting that he has had discussion with the City Attorney who said a sign permit may not be held up because of other violations on the property.

MINSCH/DRUHOT MOVED TO ACCEPT ITEM 7 PAGE 17 REFERENCING SIGNS NEED TO COMPLY WHEN FACES CHANGE OR WITHIN 3 YEARS. STAFF WILL WORK WITH THE ATTORNEY ON THE APPROPRIATE POLICY STATEMENT THAT WILL BE INCLUDED IN THE DRAFT ORDINANCE.

There was brief discussion clarifying that this does not relate to sandwich boards or banners which the Commission has already stated are not allowed.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

DOLMA/HIGHLAND MOVED THAT BANNING TEMPORARY COMMERCIAL SANDWICH BOARDS IS EFFECTIVE IMMEDIATELY UPON ADOPTION BY THE CITY COUNCIL.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was brief discussion about internally illuminated signs and having a moratorium on any new internally illuminated signs in the city. Planning Technician Engebretsen warned that they consider the unintended consequences that may result from this. Currently code allows externally illuminated signs with the upward facing lighting. She asked that they be cognizant that if one is eliminated there will be more of the other. She suggested more time be spent on this.

B. Staff Report PL 11-41, Draft Ordinance 11-xx East End Mixed Use

DOLMA/HIGHLAND MOVED TO BRING THE DRAFT ORDINANCE FOR EAST END MIXED USE TO THE FLOOR FOR DISCUSSION.

No objection was expressed and discussion ensued.

Comments included:

- Include all of the proposed areas of GC1 and GC2 in the Mixed Use District. It would include Meadow Drive and would be a simplistic way to accommodate the residential needs.
- The East End Mixed Use is not intended to solve any specific person or property owner's issue. This is a recommendation of the Comprehensive Plan.
- Consider changing just the annexed area to the Mixed Use District for now and then revisit issues with the other areas.
- Consider whether the uses in the annexed area are appropriate down East Road through the GC1 and GC2 zones, or if the lines should be changed.
- The whole area is a commercial growth area. There is no other place to go with it in town.
- East End Mixed Use will not resolve the nonconforming issues in the area, but it will fix some issues and broaden uses in the area.

The Commission reviewed the proposed allowances in the ordinance for the Mixed Use District and started off considering whether the uses listed were appropriate for the triangle annexed area.

Suggested changes included a definition for open air business, eliminating the size limit for boats on line 42, remove public and private stables on line 90, and line 114 more than one building with a permitted principle use be allowed outright.

The Commission would like to revisit all allowances relating to residential use, moving fish processing on line 67 to conditional use, and moving underground bulk petroleum storage line 73 to conditional use.

At the next discussion the Commission would like to focus on residential uses and the district area.

VENUTI/HIGHLAND MOVED TO POSTPONE THIS TO THE NEXT WORKSESSION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report PL 11-45, Draft Ordinance Amending Chapter 21.34, Conservation District

Chair Minsch acknowledged that the Commission discussed the draft ordinance regarding the conservation district during the worksession and this will come back to them from staff.

## NEW BUSINESS

### NEW BUSINESS

#### A. Staff Report PL 11-44 Replacement and/or Expansion of Nonconforming Residential Structures

Nonconforming  
Expansion  
or  
Replacement

City Planner Abboud reviewed the staff report.

Chair Minsch commented that it is important to remember that nonconforming applies to commercial uses as well as residential uses.

The Commission reviewed the questions raised in the staff report. Some Commissioners supported not allowing residential nonconforming structures to be replaced or rebuilt and others felt it should be allowed within a time frame. Agreement was expressed not to continue to allow mobile homes.

Point was raised that if a person buys a home and the City says that the mobile homes in the area are nonconforming, the person has an expectation that through zoning their area will grow to improve the surroundings, but a mobile home could be just as important to someone as a stick house. In considering the bigger picture if someone conducting a business and gets caught up in the nonconforming, it affects their livelihood. You get an emotional spin on this in looking at words like family, residence, homes, but it clouds the non conforming issue. The purpose is to look at what the most good for the most people.

The Commission took a break at 9:16 p.m. The meeting resumed at 9:19 p.m.

VENUTI/DOLMA MOVED THAT WE NOT CHANGE OUR CODE WHICH DOES NOT ALLOW FOR RECONSTRUCTION OF A NON CONFORMITY IF THE STRUCTURE IS DAMAGED IN EXCESS OF 50% OF THE STRUCTURES PRE DAMAGED VALUE.

Comment was made when looking at this for the good of the whole City and how we continue to improve. If you throw out nonconformities, you might as well throw out zoning.

VOTE: YES: MINSCH, VENUTI, DOLMA  
NO: HIGHLAND, DRUHOT

Motion failed.

DOLMA/VENUTI MOVED THAT NON CONFORMING RESIDENTIAL STRUCTURES SHALL NOT BE ALLOWED TO EXPAND OR BE ALLOWED AS A SECOND PERMITTED STRUCTURE.

There was no discussion.

VOTE: YES: DRUHOT, MINSCH, DOLMA, HIGHLAND, VENUTI

Motion carried.

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
APRIL 20, 2011

**INFO  
ITEMS**

**INFORMATIONAL MATERIALS**

- A. City Manager's Report
- B. Article, 'Planning Made Easy'

**AUDIENCE  
COMMENT**

**COMMENTS OF THE AUDIENCE**

Members of the audience may address the Commission on any subject. (3 minute time limit)

There were no audience comments.

**STAFF  
COMMENT**

**COMMENTS OF STAFF**

There were no staff comments

**COMMISSION  
COMMENT**

**COMMENTS OF THE COMMISSION**

Commissioner Dolma thanked staff for the good input, he appreciated the pictures that allowed him to evaluate some of his preconceived ideas. He thanked everyone for working hard.

Commissioner Highland expressed her appreciation for the information from "Planning Made Easy". It is good information and she appreciates being educated as they go along.

Chair Minsch and Commissioners Venuti, Dolma, and Druhot had no comments.

**ADJOURN**

**ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 9:27 p.m. The next regular meeting is scheduled for May 4, 2011 at 7:00 p.m. in the City Hall Cowles Council Chambers.

---

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: \_\_\_\_\_